IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 7637 of 2006

Madhavlal Narayanlal Pittie ..Petitioner

vs.

1. Bhargav Sitaram Borukar
and others ..Respondents

Ms.D.A.Chhapgar i/b M/s D.J.Kamdin and Co. for petitioner.
Mr.G.K.Vora for respondent nos.1 and 2

CORAM: S.C.DHARMADHIKARI J.
21st NOVEMBER, 2007

P.C.

1. The order impugned in this petition is passed during the course of hearing of obstructionist notice. The main obstructionist proceedings are still pending. The order is interim in nature.

2. In my view, any interference at this stage so also any observation is likely to prejudice the case of both sides in the pending proceedings. In such circumstances, interest of justice would be subserved if the obstructionist proceedings which are pending before the Executing Court are directed to be disposed of expeditiously and in any event within a period of six months from today. Accordingly, Obstructionist Notice No.58 of 2005 in R.A.E.suit No.271/807 of 1981 pending

on the file of the Court of Small Causes at Bombay shall be disposed of within a period of six months from today.

3. In the mean while the obstructionists to pay the sums as directed by the Executing Court namely Rs.3,000/- if not already paid or deposited. Shri Vora appearing for the obstructionists states that the amount would be deposited within a period of four weeks from today. The deposit as also the quantum is without prejudice to the rights and contentions of the petitioners. Needless to state that the obstructionists proceedings must be decided without being influenced by any observations in the impugned order. The executing Court also to consider the request of the petitioners to award compensation at the market rate and that aspect would be gone into when the obstructionist proceedings are decided finally.

4. Petition is disposed of.

(S.C.DHARMADHIKARI J.)